

OFFICE OF SPECIAL MASTERS

No. 99-609V

Filed: May 26, 2006

Not to be published

VERA ANALLA,

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Petitioner,

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v.

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Attorney's Fees

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SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

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Respondent.

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DECISION ON ATTORNEY'S FEES AND COSTS¹

On May 24, 2006, petitioner submitted a "Petitioner's Application for Fees and Costs" [hereinafter "Application"]. In addition, on that date, petitioner submitted a "Petitioner and Counsel Statement" in compliance with General Order #9.

In the Application, petitioner's counsel reports that on or about April 27, 2006, he sent a draft fee and cost application for respondent's counsel to review. Respondent's counsel had objections to the initial request, but subsequently, after discussions, the petitioner agreed to reduce the fees and costs. As filed with the court, the Application requests \$76,753.50 in attorney's fees and \$1,236.18 in costs. Petitioner's counsel also represented that the respondent has reviewed the Application and has no objections.

¹Because this decision contains a reasoned explanation for the special master's action in this case, the undersigned intends to post this decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). Therefore, as provided by Vaccine Rule 18(b), each party has fourteen (14) days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, "the entire" decision will be available to the public. Id.

The undersigned has examined the Application and finds that an award of **\$77, 989.68** in fees and costs is appropriate. The award shall be made payable jointly to petitioner and her attorney.²

The Clerk shall enter judgment accordingly.

IT IS SO ORDERED.

Gary J. Golkiewicz
Chief Special Master

²This amount is intended to cover all legal expenses. This award encompasses all charges by the attorney against a client, “advanced costs,” as well as fees for legal services rendered. Furthermore, 42 U.S.C. § 300aa-15(e)(3) prevents an attorney from charging or collecting fees (including costs) which would be in addition to the amount awarded herein. See Beck v. Secretary of Health and Human Services, 924 F.2d 1029 (Fed. Cir. 1991).